



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

January 7, 2019

**Certified Mail: 7018 1130 0000 4828 3736**

Ms. Beth Mowrey  
The Shelly Company  
P.O. Box 266  
Thornville, Ohio 43076

**Re: The Shelly Company  
Notice of Violation (NOV)  
Air Permit  
Perry County  
0664005017**

**Division of Air Pollution Control**

**Subject: Notice of Violation**

Dear Ms. Mowrey:

On September 11, 12 and 13, 2018, The Shelly Company performed emissions testing on Allied Plant 74A, the 500 ton per hour (tph) asphalt plant (P901) burning natural gas which is located at 1661 Bailey Road, North Jackson, Ohio. The emissions test was performed to demonstrate compliance with the allowable pound per ton (lb/ton) emission rate for carbon monoxide, volatile organic compounds and nitrogen oxides limitations outlined in the terms and conditions of PTIO P0108959. On October 31, 2018 the test was submitted by The Shelly Company to Ohio EPA which identified the following emission rated in compliance with PTIO P0108959:

EU P901	CO	VOC
Tested Emissions Rate	0.065 lb/ton	0.009 lb/ton
Allowable Emission Rate	0.09 lb/ton	0.026 lb/ton
Source Operating Rate	353 tph	

**Findings**

Based on a review of the emissions test results, Ohio EPA has determined that emissions unit P0108959 is not in compliance with the permitted allowable nitrogen oxides emission limitations. In order to bring your facility into compliance, we recommend promptly addressing these violations within the timeframes outlined in this letter.

1. Ohio Revised Code (ORC) 3704.05(C): *"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."*

The terms and conditions of PTIO P0108959 establish a nitrogen oxides emissions limitation of 0.026 lbs/ton.

- (a) The emissions test report submitted on October 31, 2018, identified the measured nitrogen oxides emissions rates as follows:

EU P901	NOx
Tested Emissions Rate	0.032 lb/ton
Allowable Emission Rate	0.026 lb/ton
Source Operating Rate	353 tons/hr

An exceedance of the nitrogen oxides emission limitations, as identified above, is considered a violation of the terms and conditions of PTIO P0108959 and Ohio Revised Code (ORC) 3704.05(C).

(b) *Requested action:*

Within 30 days of receipt of this letter, The Shelly Company shall submit a compliance plan to Ohio EPA which will address how the facility will address the emissions exceedances identified above.

**Conclusion**

The Ohio EPA requests that The Shelly Company promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and regulations. Within 30 days of receipt of this letter, please provide, to Ohio EPA, the documentation requested above. If you have already resolved the violations listed above, thank you.

Failure to comply with Chapter 3704. of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty. If circumstances delay resolution of violations, The Shelly Company is requested to submit written correspondence describing the steps that will be taken by date certain to attain compliance.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Section 3704.06 of the Ohio Revised Code.

Thank you for your time and cooperation and if you have any questions, please do not hesitate to contact Crystal Coldiron at (740) 380-5259 or by e-mail at [crystal.coldiron@epa.ohio.gov](mailto:crystal.coldiron@epa.ohio.gov).

Sincerely,



Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control  
Ohio EPA Southeast District Office

LD/cs

ec: John Paulian/James Kavalec, DAPC/CO  
Devan Roof/Jessica Kuenzli, DAPC/SEDO  
Brian Dickens, USEPA Region V